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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

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| **UNITED STATES OF AMERICA,** Plaintiff, v. **Hector GUTIERREZ-Romero,** Defendant | Magistrate Docket No. '08 MJ 0090 <br> COMPLAINT FOR VIOLATION OF: <br> Title 8, U.S.C., Section 1326 Deported Alien Found in the United States |

The undersigned complainant, being duly sworn, states:

On or about **January 10, 2008** within the Southern District of California, defendant, **Hector GUTIERREZ-Romero,** an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **14th** DAY OF **JANUARY 2008**

Nita L. Stormes
UNITED STATES MAGISTRATE JUDGE

**CONTINUATION OF COMPLAINT:**
**Hector GUTIERREZ-Romero**

## PROBABLE CAUSE STATEMENT

I declare under the penalty of perjury that the following statement is true and correct:

On January 10, 2008, Senior Border Patrol Agent R. Godreau was working linewatch duties east of the Tecate, California Port of Entry, when he observed several foot prints about 200 yards north of State Route 94. This area is located approximately five miles east of the Tecate, California Port of Entry and three miles north of the United States/Mexico International Border.

After following the foot prints north for a short time, Agent Godreau encountered 3 individuals, including one later identified as the defendant **Hector GUTIERREZ-Romero**, trying to hide in brush. Agent Godreau identified himself as a U.S. Border Patrol Agent and questioned each of the individuals as to their citizenship and immigration status. All three, including the defendant admitted to being citizens and nationals of Mexico illegally present in the United States. At approximately 8:45 p.m., Agent Godreau placed all three subjects under arrest and had them transported to the Tecate Border Patrol station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **July 11, 2007** through **Laredo, Texas.** These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was advised of his Miranda rights. The defendant stated that he understood his rights and was willing to answer questions without an attorney present. The defendant admitted that he is a citizen and national of Mexico illegally present in the United States. The defendant further admitted that he had been previously deported from the United States and has not applied or requested permission to re-enter the United States legally.

**Executed on January 12, 2008 at 10:00 a.m.**

Carlos R. Chavez
Senior Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of **1** page(s), I find probable cause to believe that the defendant named in this probable cause statement committed the offense on **January 10, 2008,** in violation of Title **8**, United States Code, Section **1326**.

Nita L. Stormes
United States Magistrate Judge

1-12-08 @ 10:35 am
Date/Time